

DISCUSSION OF THE AMENDMENT

The specification has been amended to be consistent with the previous amendment at the paragraph at page 17, line 20.

Claims 16 and 28 have been amended by inserting -- a metal salt of-- before “an aromatic sulfonic acid/formaline condensate”, as supported in the specification at page 17, lines 20-21.

No new matter is believed to have been added by the above amendment. Claims 1 and 3-28 remain pending in the application.

REMARKS

Applicants thank the Examiner for the courtesy extended to Applicants' attorney during the interview held April 30, 2008, in the above-identified application. During the interview, Applicants' attorney explained the presently-claimed invention and why it is patentable over the applied prior art, and specifically addressed the objection of new matter regarding the amendment to the specification at the paragraph at page 17, line 20.

As Applicants' attorney explained during the interview, the present application is a national stage application filed in 2005 of an international application filed December 19, 2003, which claims priority of five Japanese applications. One of the priority applications, i.e., JP 2003-023929 ('929 application), was drawn to, as the anionic emulsifier, the anionic emulsifier of formula (2) herein. Another priority application, i.e., JP 2003-340834 discloses a metal salt of an aromatic sulfonic acid/formaline condensate as an emulsifier component. Another priority application, i.e., JP 2003-332753 discloses the presence of a metal salt of an aromatic sulfonic acid/formaline condensate and a nonionic emulsifier. In these priority applications, the metal salt of an aromatic sulfonic acid/formaline condensate is described as an emulsifier, not as an anionic emulsifier. When the international application was drafted, description from the '929 applications was inadvertently omitted, and the respective descriptions of the metal salt of an aromatic sulfonic acid/formaline condensate, as discussed above, were inadvertently conflated to be a species of the anionic emulsifier component.

The present application, because the international application filing date of December 19, 2003 is before September 21, 2004, is not entitled to the remedial provisions of 37 CFR 1.57(a) regarding inserting inadvertently omitted disclosure by amendment. Therefore, the previous amendment to the specification at the paragraph at page 17, line 20, and the above-discussed amendment to the specification, have been made.

The objection to the amendment filed February 27, 2008 is respectfully traversed for reasons stated above. During the interview, the Examiner indicated that such an explanation would overcome the objection. Accordingly, it is respectfully requested that the objection be withdrawn.

The rejection of Claims 1, 5, 7, 14, 16, 19-21 and 28 under 35 U.S.C. § 102(b) as anticipated by GB 1,529,495 (Bayer) or JP 49-59186 (JP ‘186), is respectfully traversed.

As Applicants’ attorney pointed out during the interview, neither Bayer nor JP ‘186 discloses or suggests a polychloroprene latex obtained by emulsion polymerization in the presence of a nonionic emulsifier and an anionic emulsifier, wherein the anionic emulsifier has the formula (2), as recited in Claim 1. Nor for Claims 16 and claims dependent thereon does the applied prior art disclose or suggest the particular combination of nonionic emulsifiers and anionic emulsifiers recited therein.

Accordingly, it is respectfully requested that this rejection be withdrawn.

The rejection of Claims 1, 3-14 and 16-28 under 35 U.S.C. § 103(a) as unpatentable over Bayer or JP ‘186 (“primary references”) in view of US 5,322,886 (Sauterey), US 6,525,132 (Oba et al), US H2092 H (Bauman et al), US 7,073,201 (Sunada et al), JP 2002-047377 (JP ‘377), or JP 2002-053702 (JP ‘702) (“secondary references”), is respectfully traversed.

The disclosures and deficiencies of the primary references have been discussed above. None of the secondary references remedy these deficiencies, because none disclose or suggest the presently-recited nonionic emulsifier - anionic emulsifier combination, both in Claim 1 and claims dependent thereon, and Claim 16 and claims dependent thereon.

Accordingly, it is respectfully requested that this rejection be withdrawn.

Applicants gratefully acknowledge the Examiner’s indication of allowability of the subject matter of Claim 15. Nevertheless, Applicants respectfully submit that all of the

Application No. 10/539,801
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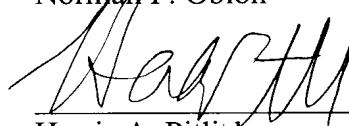
presently-pending claims in this application are in immediate condition for allowance.

Accordingly, the Examiner is respectfully requested to pass this application to issue.

Respectfully submitted,

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